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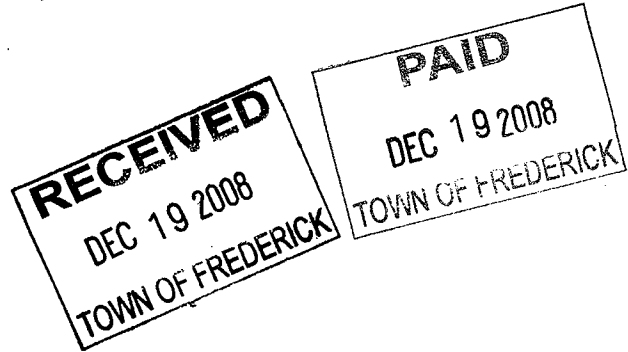
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December 18, 2008

VIA FACSIMILE AND U.S. MAIL

Town of Frederick Planning Department
Attn: Todd Tucker
P.O. Box
401 Locust Street
Frederick, CO 80530



Re: Request for Modification of Performance Guaranty
Avocet Subdivision-Minor Subdivision
Luke Stromquist, Applicant
Township 2 North, Range 68 West, 6th P.M.
Section 20 & 21
Frederick, Colorado

Dear Town of Frederick:

This firm represents Luke Stromquist in connection with his development of the Avocet Subdivision. On behalf of Mr. Stromquist, we are working with town staff to ensure the subdivision complies with all requirements set forth in Town Ordinance 951.

Due to the current slow down in the real estate market, it is our desire to develop the Avocet Subdivision in phases. We have discussed this with town staff, and have been advised that this is a common practice and feasible in the context of the Avocet development.

It is our hope that the Performance Guaranty, as required under Section 1.12 of the MOAPI, can be "phased" as well: established in proportion to the improvements necessary to complete each phase. Town staff indicates this requires a formal waiver from the Town of Frederick Board of Trustees.

Therefore, on behalf of Mr. Stromquist and the Avocet Subdivision, we request a waiver of Performance Guaranty requirements as set forth in Section 1.12 of the MOAPI; and request permission to phase the Performance Guaranty in proportion to the projected costs and expenses necessary to complete each phase of the subdivision. Mr. Stromquist understands his obligations under Section 1.12 of the MOAPI and agrees to completely comply with said obligations.

This waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property. It is the minimum variance that will afford relief and is the least modification possible of the



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subdivision ordinance provisions which are in question. And, the practical difficulties or unnecessary hardship (i.e., economic recession) has not been created by the applicant.

Your consideration in this matter is greatly appreciated.

Sincerely,

Grant, Grant & Goiran LLP

By: 

Brandon C. Shaffer

cc: Mr. Luke Stromquist
Mr. Kent Bruxvoort